

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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(504) \_\_\_\_\_

February 23, 2018

RE: Telemedicine in Louisiana

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Dear Doctor:

As you know, at its January 2018 meeting, the Louisiana State Board of Medical Examiners (the "Board") considered your letter<sup>1</sup> and personal comments requesting "the Board's perspectives" as to Ochsner Health System's ("OHS") use of telemedicine." The Board asked that I thank you for your correspondence and appearance at its meeting and relay its response.

Initially, the overview you provided as to how OHS currently utilizes/plans to integrate telemedicine into the provision of patient care, generally appears to satisfy the requirements of Louisiana law<sup>2</sup> and the Board's corresponding rules<sup>3</sup> governing telemedicine.

As to your comment that "questions have been raised suggesting that there may be limitations surrounding the use of telemedicine in Louisiana," the Board asked that I convey that the only issue to recently surface relates to the standard of care applicable to telemedicine. You should know that when evaluating fact-specific compliance issues or questions, the Board - and practitioners - need be mindful that there is but one standard of care applicable to the practice of medicine. As made clear by the law the standard is the same, whether the healthcare services are provided in person or by telemedicine.<sup>4</sup> Stated differently, if a physician's treatment of a patient by way of telemedicine would satisfy the prevailing and usually accepted standards of medical practice as those in a traditional face-to-face setting, it would comply with the laws and rules governing telemedicine.

The Board shares your expressed view that telemedicine technology may be effectively utilized to expand availability, accessibility and affordability of medical care to

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<sup>1</sup>Corr., \_\_\_\_\_, to La. St. Bd. Med. Exam. (Jan. 2, 2018).

<sup>2</sup>La. R.S. 37:1262(4), 1271(B), 1271.1, 1276.1.

<sup>3</sup>LAC 46:XLV.7501-7521.

<sup>4</sup>La. R.S. 37:1271B.(2)(a), (4)(b).

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the citizens of this state. That is not to say, however, that physicians will not be presented with medical encounters that cannot be adequately addressed conformably with applicable standards through the use of this technology. Your communication makes clear that OHS is well aware of this fact, as well as the applicable standards of care, and is taking appropriate measures to insure compliance.

Finally, the Board's rules detail what is expected and necessary for compliance in connection with the use of telemedicine in this state. As we did not discern any particular question concerning application of the rules, we trust that this general response is sufficient for your immediate needs. If not, or if you have specific questions or concerns that have not been addressed by this reply, we invite you to let us know. Otherwise, we remain

Very truly yours,

A handwritten signature in blue ink, appearing to read "Vincent A. Culotta, Jr.", is positioned above a horizontal line.

Vincent A. Culotta, Jr., M.D.  
*Executive Director*